

VILLAGE OF FORT EDWARD  
118 Broadway  
Fort Edward, NY 12828

ADOPTED OCTOBER 06, 2003

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SUBDIVISION OF LAND

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**77-1 Legislative authority and intent.**

By the authority of the Board of Trustees of the Village of Fort Edward, the Fort Edward Planning Board is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, to approve the development of entirely or partially undeveloped plats already filed in the office of the Clerk of the county and to conditionally approve preliminary plats within the Village of Fort Edward. It is declared to be the policy of the Planning Board to consider land subdivision plats for residential, industrial and commercial use as part of a plan for the orderly, efficient and economical development of the Village.

## 77 - 2 Title

These regulations, which shall be known as and which may be cited as the "Village of Fort Edward Land Subdivision Regulations" have been adopted by the Planning Board on 04/29, 2003, and approved by the Village Board on 10/06, 2003.

## 77 - 3 Administration

The Subdivision Regulations for the Village of Fort apply to any person, partnership, association joint venture or corporation who wishes to effect a subdivision after the effective date of these regulations.

The Subdivision Regulations for the Village of Fort Edward shall be administered by the Planning Board in cooperation with the Village Board, the Village Engineer, the Village Attorney and other agencies. All requests for information, application forms or other related materials shall be directed to the Chairman of the Planning Board.

## 77 - 4 Policies; restrictions.

It is declared to be the policy of the Planning Board to consider land subdivision plats as part of the orderly, efficient and economical development of the Village of Fort Edward. This means, among other things:

- A. Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.
- B. Proper provisions shall be made for water supply, drainage, sewerage and other needed public improvements and utilities.
- C. Proposed streets shall compose a convenient system conforming to the Official Map.
- D. Streets shall be of such width, grade and location as to accommodate present and prospective traffic and shall comply with 74 - 7.
- E. All development shall facilitate adequate fire protection and provide access for fire-fighting equipment and other emergency equipment.
- F. Open space for parks, playgrounds and green areas of suitable location, size and character shall be provided as required by the Planning Board.
- G. The proposed development shall be aesthetically compatible with the existing development and character of the Village

**77 – 5 Self –imposed restrictions.**

Nothing in these regulations shall prohibit the subdivider from placing self – imposed restrictions, not in violation of these regulations, on the development. Such restrictions, however, shall be indicated on the plat.

**77 – 6 Conformance required.**

No subdivision shall be made of land within the Village or three hundred (300) feet of the boundaries of the Village and no map, plat or plan of any proposed subdivision thereof shall be approved by the Planning Board except in conformity with all the regulations and provisions of this chapter.

**77 – 7 Approval of plats required for filing.**

No owner and no agent of the owner of any land located within a subdivision shall transfer or sell or agree to sell or negotiate to sell any land by reference to or exhibition of or by other use of a plat of a subdivision before such plat has been approved by the Planning Board as provided in this chapter and recorded or filed in the office of the County Clerk of Washington County; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided by this chapter.

**77 – 8 Recording of streets on Official Map.**

No water main or other municipal street utility or improvements shall be constructed in any street or highway until such street or highway has been duly placed on the Official Map.

**77 – 9 Access to buildings required.**

No permit for the erection or alteration of any building or structure shall be issued unless a public street or highway giving access to such building or structure has been duly placed on the Official Map.

## ARTICLE II

### DEFINITIONS OF WORDS USED

#### 77 - 10 Definitions

**BOARD** -- Means the Planning Board of the Village of Fort Edward

**CLERK, VILLAGE** -- The duly appointed clerk of the Village, who shall accept applications to forward to the Planning Board.

**CULS-DE-SAC** -- Minor streets with one (1) end open for public access and the other terminating in a vehicular turnaround or also a dead end street.

**DEVELOPER/ SUBDIVIDER** -- The owner or owners of the properties that are to be developed.

**EASEMENT** -- Deeded authorization by a property owner for the use by another of any part of his property for a specified purpose.

**ENGINEER** -- A person licensed as a professional engineer by the State of New York.

**LETTER OF CREDIT** -- An irrevocable letter of credit from a bank located in, and authorized to do business in New York State. The letter of credit shall be approved by the Village Board and the village attorney.

**LOT** -- A parcel of land having a distinct and defined boundary as described in a deed, occupied or capable of being occupied by a building or buildings and for accessory buildings and/or uses, including such open spaces as are required by these regulations, and having frontage on an existing or proposed road.

**MAJOR SUBDIVISION** -- Any subdivision not classified as a minor subdivision.

**MINOR SUBDIVISION** -- Any subdivision containing not more than three (3) lots each fronting on an existing public street, not involving any new street or road or the extension of municipal facilities and not adversely affecting the development of the remainder of the parcel or adjoining properties.

**OFFICIAL MAP** -- The map established by the Village Board.

**PLAT, FINAL or SUBDIVISION PLAT** -- A drawing in final form, showing a proposed subdivision, containing all information or detail required by law and by these regulations to be presented to the Planning Board for approval, and which, if approved, may be duly filed or recorded by the applicant in the office of the County Clerk.

**PLAT, PRELIMINARY** -- A drawing or drawings clearly marked "preliminary plat", showing the salient features of a subdivision, as specified in these regulations, submitted to the Planning Board for purposes of consideration prior submission of the plat in final form and of sufficient detail to apprise the Planning Board of the layout of the proposed subdivision.

**PLAT, SKETCH or SKETCH PLAN** -- A sketch of a proposed subdivision showing the information specified in these regulations to enable the subdivider to reach general agreement with the Planning Board as to the form of the layout and objectives of the regulations.

### **ARTICLE III**

#### **APPLICATION PROCEDURE**

##### **77 - 11 Pre-application meeting.**

Prior to the filing of any application, it is the intention that an informal discussion between the developer ( owner/ subdivider) and the Planning Board be held to discuss the meaning and intent of these regulations and the procedure to be followed in order that all parties concerned are aware of their individual and group responsibilities. Classification (minor or major) of the proposed subdivision will take place at this meeting.

##### **77 - 12 Application requirements: filing fees.**

A. All applications for approval by the Planning Board must be in writing and must be submitted to the Village Clerk, in duplicate; and must consist of the following papers, which will in no case be returned to the applicant:

- (1) Request for the approval of the Planning Board, stating precisely what action by the Planning Board is desired.
- (2) The map, plat or plan in respect to which approval is requested.
- (3) An affidavit or certificate of ownership of the land affected, stating the name of the owner of record thereof.
- (4) If the applicant is not the owner of record, proof showing the authority of the applicant to make the application and to make the affidavits or certificates hereinbefore required.

##### **B. Filing fees.**

- (1) On filing of the application with the Village Clerk, a fee shall be paid in the sum set forth in the Village schedule of fees.

(2) A deposit shall be made for costs and expenses on filing an application for approval of a minor or major subdivision.

- a. The developer shall be obligated to pay to the village all costs of advertising, engineering, legal and other expenses of the Village in connection with obtaining the approval of the plat by the Planning Board.
- b. On the filing of the application, there shall be deposited with the Village Clerk the sum set forth in the Village schedule of fees to defray the aforesaid costs and expenses. If the deposit shall be insufficient to cover such costs and expenses, the balance shall be due and payable on or before the signing of the approval of the Planning Board on the plat. Any sum over and above such actual costs shall, by resolution of the Board of Trustees, be returned to the person depositing the same either after the approval of the plat by the Planning Board or on certification of said person filing the plat that the plat be withdrawn.

(3) Deposit for inspection of public improvements during the course of construction and other expenses. The developer shall be obligated to pay the Village all costs for inspection, engineering, attorneys' fees, publication and other costs incurred by the Village in connection with the completion of the improvements in the subdivision plat. There shall be deposited with the Village Clerk, at the time of approval of a plat, a sum not less than six percent (6%) of the estimated costs of the improvements required by the Planning Board or such larger sum as in the discretion of the Planning Board is required to reimburse the Village, which sum shall be applied by the Village to the cost of inspection, engineering, attorneys' fees, publication and other costs. In the event that the sum so deposited is insufficient to cover the aforesaid costs, any additional sum required to reimburse the Village must be paid before acceptance by the Village of the completion of the improvements. Upon the completion of the improvements and discharge of the bond, if a bond shall have been furnished, any sum so deposited in excess of the actual costs shall be returned to the party making the deposit upon the approval of the Board of Trustees.

C. Any sums deposited with the Village as provided in this chapter over and above the actual cost shall become the property of the Village if no demand is received by the Village for a refund within sixty (60) days from the date of the approval of the Planning Board of the plat or from the date certification is received that the plat is withdrawn with respect to deposits made pursuant to Subsection B hereof, and from the date of the completion of the improvements or, if a bond has been furnished, within sixty (60) days from the date of the discharge of the bond. All demands for refund must be in writing.



### **77 - 13 Sketch Plan**

Any owner of land shall, prior to subdividing or resubdividing land, submit to the Chairman of the Planning Board at least ten (10) days prior to the regular meeting of the Board six (6) copies of a sketch plan of the proposed subdivision, which shall comply with requirements of Article VIII, Design Standards

## **ARTICLE IV**

### **MINOR SUBDIVISIONS**

#### **77 - 14 Application; Fees**

Within six (6) months after the classification of the plan as a minor subdivision by the Planning Board, the subdivider shall submit an application for approval of a subdivision plat. Failure to do so may require resubmission of the plan to the Planning Board for reclassification. The plat shall conform to the layout of the plan plus any recommendations made by the Planning Board. Said application shall also conform to the requirements listed in Article VII. All applications for plat approval for a minor subdivision shall be accompanied by a fee set by the Village of Fort Edward Board of Trustees listed in the current schedule of fees.

#### **77 - 15 Copies of plats.**

Three (3) copies of the subdivision plat shall be presented to the Planning Board Chairman at least ten (10) days prior to a scheduled monthly meeting of the Planning Board.

#### **77 - 16 Subdivider to attend meeting.**

The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the subdivision plat.

#### **77 - 17 Hearing; Notice**

A public hearing shall be held by the Planning Board within forty - five (45) days from the time of submission of the subdivision plat for approval, provided that the plat meets all the requirements of this chapter. Said hearing shall be advertised in a newspaper of general circulation in the village at least ten (10) days before such hearing.

#### **77 - 18 Planning Board action.**

The Planning Board shall, within forty-five (45) days from the date of the public hearing, approve, modify and approve or disapprove the subdivision plat.

## **ARTICLE V**

### **Major Subdivision Preliminary Plat**

#### **77 - 19 Application; fees**

Prior to the filing of an application for the approval of a major subdivision plat, the subdivider shall file an application for the consideration of a preliminary plat of the proposed subdivision, in the form described in Article VIII, hereof. The preliminary plat shall, in all respects, comply with the requirements set forth in this chapter, except where a waiver may be specifically authorized by the Planning Board. The application for conditional approval of the preliminary plat shall be accompanied by a fee as listed in the current schedule of fees of the Village of Fort Edward.

#### **77 - 20 Copies of Plat.**

Three (3) copies of the Preliminary plat shall be presented to the Chairman of the Planning Board at least ten (10) days prior to a regular monthly meeting of the Planning Board.

#### **77 - 21 Subdivider to attend meeting.**

The subdivider or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plat.

#### **77 - 22 Planning Board Review of plat.**

The Planning Board shall study the practicability of the preliminary plat, taking into consideration the requirements of the community and the best use of the land being subdivided, particular attention shall be given to the arrangement, location and width of the streets; their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangements; the future development of adjoining land as yet unsubdivided; and the requirements of the Official Map and zoning regulations.

#### **77 - 23 Time of Official Submission.**

The time of submission of the preliminary plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least ten (10) days prior to which the application for conditional approval of the preliminary plat, complete and accompanied by the required fee and all data required by Article VII, has been filed with the Chairman of the Planning Board.

#### **77 - 24 Hearing; Notice.**

Within forty-five (45) days after receipt of such preliminary plat by the Chairman of the Planning Board, the Planning Board shall hold a public hearing, which hearing shall be advertised at least once in a newspaper of general circulation in the village at least ten (10) days before such hearing.

**77 – 25 Planning Board action.**

Within forty – five (45) days after the date of such hearing, the Planning Board shall approve with or without modification or disapprove such preliminary plat, and the grounds of a modification, if any or the grounds for disapproval shall be stated upon the records of the Planning Board. Notwithstanding the foregoing provisions of the subdivision, the time in which the Planning Board must take action on such plat may be extended by mutual consent of the owner and the Planning Board. When so approving a preliminary plat, the Planning Board shall state in writing modifications, if any as it deems necessary for submission of the plat in final form. Within five (5) days of the approval of such preliminary plat, it shall be certified by the Chairman of the Planning Board as granted preliminary approval and a copy filed in his office and a certified copy mailed to the owner.

**77 – 26 Conditional approval of plats.**

When granting conditional approval to a preliminary plat, the Planning Board shall state the conditions of such approval, if any, with respect to the specific changes which it will require in the preliminary plat; the character and extent of the required improvements for which waivers may have been requested and which, in its opinion, may be waived without jeopardy to the public health, safety, morals and general welfare; and the amount of improvement or the amount of all bonds or letters of credit that it will require as prerequisite to the approval of the subdivision plat. The action of the Planning Board and any conditions shall be noted on three (3) copies of the preliminary plat. One (1) copy retained by the Planning Board, one (1) copy to be returned to the subdivider and one (1) copy forwarded to the Village Board of Trustees. Conditional approval of the preliminary plat shall not constitute approval of the subdivision plat, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plat as a guide to the preparation of the plat which will be submitted for the approval of the Planning Board and for recording upon fulfillment of the requirements of these regulations and the conditions of the conditional approval, if any, prior to approval of the subdivision plat. The Planning Board may require additional changes and/or bond amounts as a result of new information obtained at public hearing.

**ARTICLE VI  
MAJOR SUBDIVISION FINAL PLAT**

**77 – 27 Application; Fee; Resubmission.**

The subdivider shall, within six (6) months after the conditional approval of the preliminary plat, file with the Planning Board an application for approval of the subdivision in final form using the approved application blank available from the Chairman of the Planning Board. All applications for plat approval for major subdivisions shall be accompanied by a fee posted in the Schedule of Fees. If the final plat is not submitted within six (6) months after the conditional approval of the preliminary plat, the Planning Board may refuse to approve the final plat and require resubmission of the preliminary plat.

**77 - 28 Copies of plat.**

A subdivider intending to submit a proposed subdivision plat for the approval of the Planning Board shall provide the Chairman of the Planning Board with a copy of the application and three (3) copies of the plat, the original and one (1) true copy of all offers of concessions, covenants and agreements and two (2) prints of all construction drawings at least ten (10) days in advance of the regular monthly Planning Board meeting at which it is to be officially submitted.

**77 - 29 Time of official submission.**

The time of submission of the subdivision plat shall be considered to be the date of the regular monthly meeting of the Planning Board, at least ten (10) days prior to which the application for approval of the subdivision plat, complete and accompanied by the required fee and all data required by Article VII of these regulations, has been filed with the Chairman of the Planning Board.

**77 - 30 Endorsement of governmental agencies.**

Water and sewer facility proposals contained in the subdivision plat shall be properly endorsed and approved by the New York State Department of Health. Applications for approval of plans for sewer and water facilities will be filed by the subdivider with all necessary village, county, state and federal agencies. Endorsement and approval by all government agencies shall be secured by the subdivider before official submission of the subdivision plat.

**77 - 31 Hearing; notice.**

A public hearing may be held by the Planning Board, at the discretion of the Planning board, within forty five (45) days after the time of submission of the subdivision plat for approval. This hearing shall be advertised in a newspaper of general circulation in the village at least ten (10) days before such hearing.

**77 - 32 Planning Board action.**

The Planning Board shall, within forty five (45) days from the date of the public hearing on the subdivision plat, approve, modify and approve or disapprove the subdivision plat. However, the subdivision plat shall not be signed by the authorized officers of the Planning Board for recording until the subdivider has completed with the provisions of Article V of these regulations.

**77 – 33 Approval and filing.**

Upon completion of the requirements in Articles IV and V above and notation to that effect upon the subdivision plat, it shall be deemed to have the final approval and shall be properly signed by the Chairman of the Planning Board or Acting Chairman and may be filed by the applicant in the office of the County Clerk. Any subdivision plat not so filed or recorded within ninety (90) days of the date upon which such plat is approved or by reasons of the failure of the Planning board to act shall become null and void, unless the particular circumstances of said applicant warrant the Planning Board to grant an extension which shall not exceed two (2) additional periods of ninety (90) days.

**77 – 34 Revision after approval.**

No changes, erasures, modifications or revisions shall be made in any subdivision plat after approval has been given by the Planning Board and endorsed in writing on the plat, unless said plat is first resubmitted to the Planning Board and such Board approves any modifications. In the event that any such subdivision plat is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plat stricken from the records of the County Clerk.

**77 – 35 Approval not to constitute acceptance of land.**

The approval of the Planning Board of a subdivision plat shall not be deemed to constitute or be evidence of any acceptance by the Village of any street, easement or open space shown on such subdivision plat.

**ARTICLE VII  
REQUIRED DOCUMENTS TO BE SUBMITTED**

**77 – 36 Sketch plan requirements.**

The sketch plan initially submitted to the Planning Board shall be based on Tax Map information or some other similarly accurate base map at a scale (preferably not less than two hundred (200) feet to the inch) to enable the entire tract to be shown on one (1) sheet. The sketch plan shall be submitted, showing the following information:

- A. The location of that portion which is to be subdivided in relation to the entire tract and the distance to the nearest existing street intersection.
- B. All existing structures, wooded areas, streams and other physical features, within the portion to be subdivided and within two hundred (200) feet thereof. If topographic conditions are significant, contours shall also be indicated at intervals of not more than five (5) feet.
- C. The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.

- D. The Tax Map sheet, block and lot number.
- E. All utilities available and all streets which are either proposed, mapped or built.
- F. The proposed pattern of lots (including lot width and depth), street layout, recreation areas, systems of drainage, sewerage and water supply within the subdivided area.
- G. All existing restrictions on the use of land, including easements, covenants or zoning lines.

**77 -37 Minor subdivision plat.**

In the case of minor subdivision only, the subdivision plat application shall include the following information:

- A. A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.
- B. An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by monuments as approved by the Village Engineer and shall be referenced and shown on the plat.
- C. The proposed subdivision name and the name of the village and county in which it is located.
- D. The date, North point, map scale and name and address of the record owner and subdivider.

**77 - 38 Major subdivision preliminary plat.**

The following documents shall be submitted for preliminary or conditional approval.

- A. Five (5) copies of the preliminary plat, prepared at a scale of fifty (50) feet to the inch, showing
  - (1) The proposed subdivision name, name of Village and county in which it is located, date, true North point, scale and name and address of record owners, subdivider and engineer or surveyor, including license number and seal.
  - (2) The name of all subdivisions immediately adjacent and the name of the owners of record of all adjacent property.
  - (3) School and zoning district boundaries.
  - (4) All parcels of land to be dedicated to public use and the condition of such dedication.
  - (5) The location of existing property lines, easements, buildings, watercourses, marshes, rock outcrops, wooded areas and other significant existing features for the proposed subdivisions and adjacent property.
  - (6) The location of existing sewers, water mains, culverts and drains on the property, with pipe sizes, grades and direction of flow.
  - (7) Contours, with intervals of two (2) feet or less, as required by the Board, including elevations on existing roads, a grading plan shall be prepared to show approximate finished grades of all areas of grading.

- (8) The width and location of any streets or public ways or places shown on the Official Map, within the area to be subdivided, and the width, location, grades and street profiles of all streets or public ways proposed by the developer.
- (9) Waterlines.
  - a. The location and size of all proposed water lines, valves, hydrants and sewer lines, with profiles, indicating connections with existing lines or alternate means of water supply or sewage disposal and treatment.
- (10) Storm drainage plan indicating the approximate location and size of proposed lines and their profiles.
- (11) Plans and cross sections showing the proposed location and type of sidewalks, streetlighting standards, street trees, curbs, water mains, sanitary sewers and storm drains, and the size and type thereof, the character, width and depth of pavements and subbase and location of manholes, basins and underground conduits.
- (12) Designs of any bridges or culverts which may be required.
- (13) The proposed lot lines with dimensions and area of each lot.
- (14) Where the topography is such as to make difficult the inclusion of any of the required facilities within the public areas as laid out, the preliminary plat shall show the boundaries of proposed permanent easements over or under private property, which permanent easements shall not be less than twenty five (25) feet in width and which shall provide satisfactory access to an existing public highway or other public highway or public open space shown on the subdivision of the Official Map.
- (15) An actual field survey of the boundary lines of the tract, giving complete descriptive data by bearings and distances, made and certified to by a licensed land surveyor. The corners of the tract shall also be located on the ground and marked by substantial monuments of such size and type as approved by the Village Engineer and shall be referenced and shown on the plat.
- (16) If the application covers only a part of the subdivider's entire holding, a map of the entire tract, drawn at a scale of not less than four hundred feet (400) feet to the inch, showing an outline of the platted area with its proposed streets and indication of the probable future street system with its grades and drainage in the remaining portion of the tract and the probable future drainage layout of the entire tract, shall be submitted. The part of subdivider's entire holding submitted shall be considered in the light of the entire holdings.
- (17) A copy of such covenants of deed restrictions as are intended to cover all or part of the tract.

**77 - 39 Major subdivision final plat.**

- A. The following documents shall be submitted for plat approval:
  - (1) The plat shall be drawn in ink on tracing cloth or substitute acceptable to the Planning Board in sheets not exceeding 30 inches by 42 inches and at a scale of not more than fifty (50) feet to the inch. When more than one sheet is required, an additional index sheet of the same size shall be filed showing to scale the entire subdivision with lot and block numbers clearly legible.

B. The plat shall show:

- (1) The subdivision name, date, scale and North point.
- (2) Certification of title showing ownership.
- (3) The names of owners of adjacent land.
- (4) Certification by a licensed engineer or surveyor as to the accuracy of the survey and plat.
- (5) Street lines, pedestrianways, lots, reservations, easements and areas to be dedicated to public use.
- (6) Waterlines, sanitary sewers, storm drains, gas lines and buried cables including all accessories to these facilities.
- (7) Street name sign and traffic control sign locations.
- (8) Sufficient data acceptable to the Village Engineer to determine readily the location, bearing and length of every street line, lot line, boundary line, and to reproduce such lines upon the ground. Where applicable, these should be referenced to monuments included in the New York State Plane Coordinates System East Zone and, in any event, should be tied to reference points previously established by a public authority.
- (9) The length and bearing of all straight lines, radii, length of curves and central angles of all curves and tangent bearings shall be given for each street. All bearings and distances of the lines of each lot shall also be given. All dimensions shall be shown in feet and decimals of a foot. The plat shall show the boundary of the property location, graphic scale and true North point.
- (10) Permanent reference monuments shall be shown and shall be constructed in accordance with specifications of the Village Engineer. When referenced to the state system of plane coordinates, they shall also conform to the requirements of the State Department of Transportation. They shall be placed as required by the Village Engineer and their location noted and referenced upon the plat.
- (11) All lot corner markers shall be permanently located satisfactorily to the Village Engineer, at least three quarter (3/4) inch (if metal) in diameter and at least twenty four (24) inches in length, and located in the ground to existing grade.
- (12) Monuments of a type approved by the Village Engineer shall be set at all corners and angle points of the boundaries of the original tract to be subdivided; and at all street intersections, angle points in street lines, points of curve and such intermediate points as shall be required by the Village Engineer.

C. The plan/ profile of each street and utility easement, with a horizontal scale of fifty (50) feet to the inch and vertical scale of four (4) feet to the inch showing the following:

- (1) All pavement, storm drains, sanitary sewers, gas lines, buried cables and water lines with all accessories.
- (2) Pavement and utility stationing including all horizontal and vertical control points and grades.
- (3) Signature and seal of a professional engineer and land surveyor.
- (4) A North arrow.

D. Final plat, and plan/ profiles shall show all facilities which the subdivision standards require. All lettering shall be neat and legible.



E. In addition to the required drawings, the following documents shall be submitted as part of the final plat.

- (1) Copies of all required permits and letters from federal, state and county agencies, listing all requirements and any restrictions that apply to the development of the subdivision.
- (2) Protective covenants in form for recording, including covenants governing the maintenance of unceded public spaces or reservations and copies of deed restrictions, if any for all properties in the subdivision including lands set aside for perpetual open space.
- (3) Such other certificates, affidavits, endorsements, agreements or other agency permits of the applicant may be required by the Planning Board in enforcement of these regulations.
- (4) A Stormwater Management Plan designed to prevent environmental damage on or off the site and to size the stormwater structures for the projected flows as required in this subdivision regulation. The Stormwater Management Plan shall be designed to limit the water flow (volume and rate of runoff) from the site, during and after construction, to be no more than the flows prior to the start of the project. The design shall comply with the recommendations in the New York Guidelines for Urban Erosion and Sediment Control. A copy of all design calculations shall be provided to the Village Engineer.

F. Partial dedication of roads.

- (1) If the developer wishes to develop the subdivision in sections, and to dedicate a portion of the roads and drainage structures at various stages, a schedule shall be submitted showing the portion that is to be in each stage and the proposed schedule for the dedications. The Planning Board will check that the request is feasible and that it complies with the intent of these regulations.
- (2) No section shall contain less than ten percent of the total number of lots in the approved plat.
- (3) All roads in each stage must be connected at each end to an existing village, county or state road or an approved turnaround must be provided for snowplows and emergency vehicles. The turnaround shall be shown on the plat and shall remain until the next section of road has been accepted by the Village. Adequate storm water run off control and erosion protection must be designed for each section to be effective without construction of the subsequent sections.
- (4) If the Planning Board approves the filing of the plat in sections a performance bond/ letter of credit shall be provided to cover the construction of the infrastructure in each section of the subdivision including the cost of any temporary construction required. The owner shall not be permitted to begin construction of buildings in any section until such section has been filed in the office of the County Clerk and a performance bond/ letter of credit has been provided to the Village.

- (5) If the complete plat is filed with the County Clerk it must indicate the section divisions approved by the Planning Board. A performance bond/ letter of credit shall be provided to cover the construction of the infrastructure in each section of the subdivision including the cost of any temporary construction required. The owner shall not be permitted to begin construction of buildings in any section until a performance bond/ letter of credit has been provided to the Village.
- (6) More detailed information may be required by the Planning Board as part of the final submission for a MAJOR subdivision in special cases. The Planning Board, at its discretion, reserves the right to waive any of the aforementioned final MAJOR subdivision requirements.
- (7) When the subdivision has received final approval and conditions required by the Planning Board have been met, six (6) copies of all plats reflecting the design as approved by the Planning Board shall be provided at the time the mylar plats are submitted for signature. The six (6) copies of plats shall be distributed as follows:
  - A. Planning Board Chairman for Board files,
  - B. Village Engineer,
  - C. Highway Superintendent,
  - D. Fire Department,
  - E. School District,
  - F. Post Office.

Three (3) copies of the road and drainage plans/ profiles shall be submitted for the:

- A. Planning Board Chairman
- B. Village Engineer
- C. Highway Superintendent.

Additional copies shall be provided if required by the Planning Board.

- (8) Two (2) mylar copies of the plat(s) that reflect the design as approved by the Planning Board shall be Submitted for signatures and filing.

**77 – 40 Inspection of infrastructure, construction, “as-built” drawings and highway dedication.**

- A. The owner or his representative shall submit all reports and shall notify the Village officials as required by these Subdivision Regulations, in a timely manner as required to permit the required inspections. These shall include:
  - (1) A soils information report on the proposed subbase materials, to the Village Engineer, prepared by the applicants Engineer, which includes testing data on the proposed materials.
  - (2) Notification to the Highway Superintendent shall be made forty eight (48) hours prior to the proof rolling of the subbase. All unsatisfactory subbase, as determined by the Village Engineer, shall be excavated and replaced with new subbase material to the Village Engineer’s satisfaction.

- (3) Notification to the Highway Superintendent shall be made forty eight (48) hours prior to starting the paving.
- B. The Village Highway Superintendent and Village Engineer shall be notified prior to the start of the following phases of the highway and storm drainage construction so that one or both may make the appropriate inspections as required by the Village.
  - (1) Placement of underdrains, culverts, drywells and other stormwater structures.
  - (2) Placement of subbase material.
  - (3) Placement of each course of pavement.
- C. When the developer is ready to dedicate the roads and easements to the Village, he shall submit an APPLICATION FOR ACCEPTANCE OF VILLAGE ROADS AND EASEMENTS form to the Planning Board. The completed improvements which are to be ceded to the Village shall be inspected and approved by the Highway Superintendent, the Village Engineer and Chairman of the Planning Board.
- D. The final plat and plan/profiles shall be corrected as-built and one reproducible copy on mylar plus three prints shall be furnished to the Planning Board Chairman.
- E. The following items are required for dedication of highways and drainage easements to the Village of Fort Edward. They shall be submitted to the Planning Board to assure that they are complete, and in compliance with these regulations, and with all requirements of the subdivision as approved. When complete and approved, this material shall be turned over to the Village Clerk for the required actions by the Village Board.
  - (1) One set of reproducible mylars and three sets of prints of the "as-built drawings of the streets, drainage systems and utilities as described in paragraph "D" above. The prints will be distributed to the Highway Superintendent, Engineer and Planning Board Chairman.
  - (2) The maintenance bond or letter of credit equal to twenty percent of the value of the improvements, including storm drainage systems being ceded to the Village. This maintenance bond or letter of credit is to remain in effect for one year after the final inspection or until seventy five percent of the total lots within the subdivision have been developed, whichever is later.
  - (3) The escrow to cover the cost of providing and installing required traffic signs not already in place.
  - (4) Original and two (2) copies of the proposed deed(s). The deed(s) shall state that the Village of Fort Edward is a "municipal corporation, organized and existing by virtue of the laws of the State of New York". The first paragraph of the deed should state, not only the date and title and preparer of the survey, but also the date of filing thereof in the Washington County Clerks Office.
  - (5) A title insurance policy in the full value of the land and improvements that will be dedicated to the Village.
  - (6) Certification from the owner's engineer, architect and surveyor that all construction has been performed in accordance with the final plans.

- (7) A completed and signed APPLICATION FOR ACCEPTANCE OF VILLAGE ROADS AND DRAINAGE EASEMENTS including the signatures of the Highway Superintendent, Village Engineer and the Chairman of the Planning Board indicating that the construction was completed in accordance with approved plans and specifications.
- (8) Payment of all charges by the Village that have not been previously paid.
  - F. The developer shall correct all construction failures which develop in the highway and drainage systems during the period that the maintenance bond is required. If the corrections are not completed within a reasonable period of time, the Village shall make repairs and charge the costs to the bond or letter of credit.

## ARTICLE VIII DESIGN STANDARDS

### 77 - 41 Standards to be minimum requirements.

In considering applications for subdivision of land, the Planning Board shall be guided by the standards set forth hereinafter. Said standards shall be considered to be minimum requirements and shall be waived by the Board only under circumstances set forth in Article IX herein.

### 77 - 42 Character of land.

Land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace.

### 77 - 43 Preservation of existing features.

Existing features which would add value to residential development, such as large trees, watercourses, historic spots and similar irreplaceable assets, should be preserved, insofar as possible, through harmonious design of the subdivision. Development shall cause minimum disturbance to existing landscaping. Topsoil shall not be removed from the site except with approval of the Planning Board.

### 77 - 44 Streets and roads.

- A. Width. Every street which in the opinion of the Planning Board may become a main artery of travel, shall have a right of way width of not less than sixty (60) feet and a roadway width of not less than thirty (30) feet. No other proposed street shall have a right of way width of less than fifty (50) feet, except in cases of hardship, in which case, for special cause shown, the Planning Board may decide to authorize a street width of not less than forty (40) feet. The width of all streets shall be constructed to

- accommodate the prospective traffic and afford access for fire fighting, snow removal and other road maintenance equipment.
- B. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties and shall be coordinated so as to compose a convenient system. All streets shall be so laid out that their use by through traffic will be discouraged.
  - C. Culs-de sac. In case of dead-end streets, provision shall be made at the terminus thereof for the convenient turning of vehicles by way of a circle of not less than seventy (70) feet in diameter or other adequate means.
  - D. Relation to topography. Streets shall be logically related and conform insofar as possible to the original topography. They shall be arranged so as to obtain as many as possible of the building sites at or above the grades of the streets. A combination of steep grades and sharp curves shall be avoided.
  - E. Block size. Block dimensions shall be at least twice the minimum lot depth and generally not more than twelve (12) times the minimum lot width. In long blocks, the Planning Board may require the dedication through the block of a twenty five (25) foot wide easement to accommodate utilities or pedestrian traffic.
  - F. Intersections. Intersections of major streets by other streets shall be at least eight hundred (800) feet apart, if possible. Cross (four cornered) street intersections shall be avoided, except at important traffic intersections. A distance of at least one hundred fifty (150) feet shall be maintained between offset intersections. Within forty (40) feet of an intersection, streets shall be approximately at right angles, but in no instance shall the angle be less than seventy degrees, and grades shall be limited to one percent (1%). All street intersection corners shall be rounded by curves of at least twenty five (25) feet in radius at the property line.
  - G. Visibility at intersections. Within the triangular area formed at the corners by the intersecting street lines, for a distance of forty (40) feet from their intersection and the diagonal connecting the end points of these lines, visibility for traffic safety shall be provided by excavating, if necessary. Nothing in the way of fences, walls, hedges or other landscaping shall be permitted to obstruct such visibility.
  - H. Design and construction standards. Streets shall meet standards set forth in Article X "Design standard drawings" and approved by the Village Highway Superintendent and Village Engineer.
  - I. Street names. All streets shall be named, and such names shall be subject to the approval of the Village Board. Names shall be sufficiently different in sound and spelling from other street names in the village so as not to cause confusion. A street which is a continuation of an existing street shall bear the same name.
  - J. Improvements. Streets shall be graded and improved with pavement, street signs, sidewalks (where applicable), street lighting standards, curbs, gutters, trees, water mains, sanitary sewers, storm drains and fire hydrants and underground electric, cable television and telephone services except where the Planning Board may waive, subject to appropriate conditions, such improvements as it considers are not requisite to the interest of public health, safety and general welfare.
  - K. Underground utilities. Underground utilities required by the Planning Board shall conform to the standards set forth in Article X "Design Standard Drawings".  
Underground utilities shall be located to simplify the locating and repair of the lines,

and the subdivider shall install underground service connections to the property of each lot before the street is paved.

**77 - 45 Lots.**

- A. Arrangement. The arrangement of lots shall be such that there will be no foreseeable difficulties for reasons of topography or other conditions in locating a building on each lot and in providing access to buildings on such lots from an approved street. All lots shall be numbered to comply with the Washington County 911 emergency services requirements.
- B. Access across watercourses. Where a watercourse separates the buildable area of a lot from the access street, provisions shall be made for the installation of a culvert or other structure, of a design approved by the Village Engineer.
- C. Side lot lines. Side lot lines shall be at right angles or radial to the street lines unless a variation from this rule will give a better street or lot plan.
- D. Corner lots. Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets.

**77 - 46 Parks and Playgrounds.**

- A. Purpose. The purpose of this section is to provide an equitable and effective development standard for securing adequate land for parks, playgrounds and open space for recreation uses in subdivisions in the Village of Fort Edward.
- B. Land dedication. The subdivider proposing land dedication shall file with the Village Board a plat detailing the sites for the development of a park, playground or other recreational facility. Recreation space shall be provided by the subdivision on the basis of no more than ten percent (10%) of the total area of the subdivision. Such area or areas may be dedicated to the Village by the developer if the Village Board approves such dedication.
- C. Fee in lieu of land. When requested by the subdivider, or in cases where the Board finds that, due to the size, shape, topography or location of the subdivision, land for park, playground or other recreation purpose cannot be properly located therein, the Village Board may waive the requirement that the plat show land for such purposes. The Board shall then require as a condition of approval of the plat a payment of recreation fees in lieu of land, such amount shall be set by the Village Board. Such amount shall be paid to the Village Board at the time of final plat approval, and no plat shall be approved by the Planning Board until such payment is made. Such payments shall be held in a special fund for acquisition and development of recreation land. All money in this fund is to be used only for:
  - (1) The purchase of land that is suitable for new or enlarged parks, playgrounds or open spaces and located so as to serve the inhabitants of the Village's residential neighborhoods; and
  - (2) The improvement of new or existing park, playground and open space lands which serve the Village's residential neighborhoods.

- D. In any case, the Planning Board shall be satisfied that required recreation land will be maintained and will not be used for other than recreation purposes.
- E. Nothing in this section will be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this section.
- F. The Planning Board shall not at any time authorize the waiver of both the land dedication and fee in lieu thereof requirements.

**77 - 47 Water supply.**

The water supply for the subdivision shall come from the existing water system used in the Village of Fort Edward. All components of the water system shall meet the requirements of the Highway Superintendent and standards set forth herein. Valves and hydrants shall meet Village requirements.

**77 - 48 Sanitary sewers.**

The sanitary sewer system for the subdivision shall meet the requirements of the Washington County Sewer Agency.

**77 - 49 Landscape plan.**

A landscape plan shall be provided by a licensed landscape architect for subdivisions of twenty lots or more. Such landscape plan shall include:

- A. The location and species of street trees, if retained within the right of way or proposed to be planted by the subdivider.
- B. Details of method of tree protection and tree planting.
- C. Plans and details of any site improvements related to park or recreation planning, including layout, grading, planting and details of any improvements.
- D. Plans and details of any other public amenities provided in the subdivision.
- E. The date and scale.
- F. The title under which the proposed subdivision is to be recorded with the names of the owner and landscape architect who prepared the landscape plan; the license number and seal of the landscape architect shall be affixed to the drawing.

**ARTICLE IX  
VARIANCES AND WAIVERS**

**77 - 50 Variances.**

Where the Planning Board finds that extraordinary and unnecessary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of the Official Map or any Zoning Ordinance.

**77 - 51 Waivers.**

Where the Planning Board finds that, due to the special circumstances of a particular plat, the provision of certain required improvements is not necessary in the interest of the public health, safety, general planning and welfare or is inappropriate because of inadequacy or lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

**77 - 52 Planning Board objectives.**

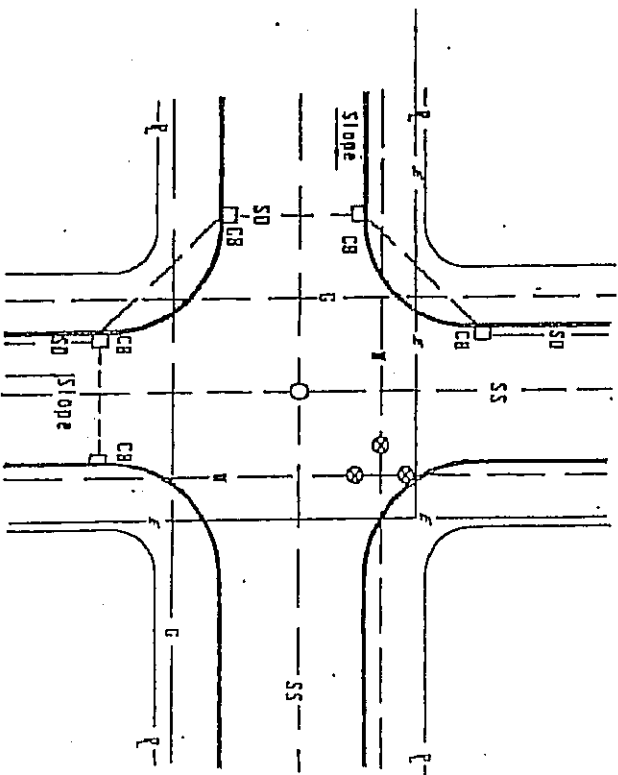
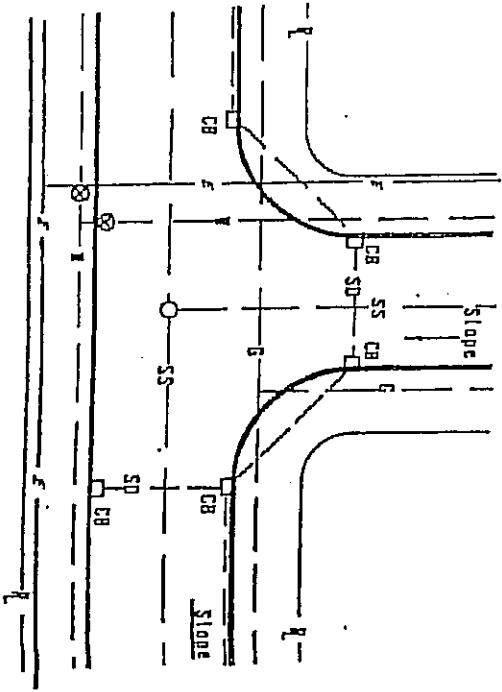
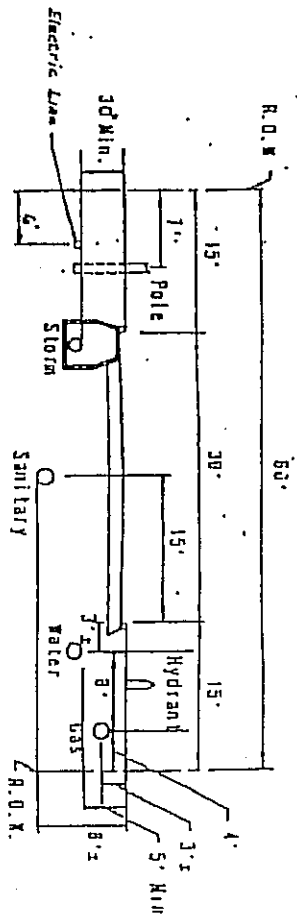
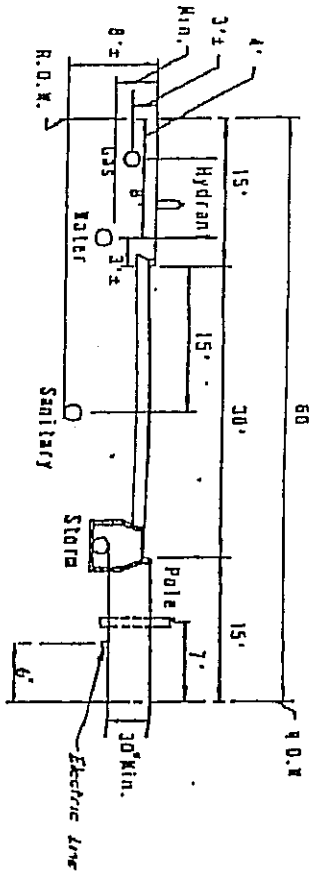
In granting variances and modifications, the Planning Board shall require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

**ARTICLE X  
DESIGN STANDARD DRAWINGS**

**ATTACHED**

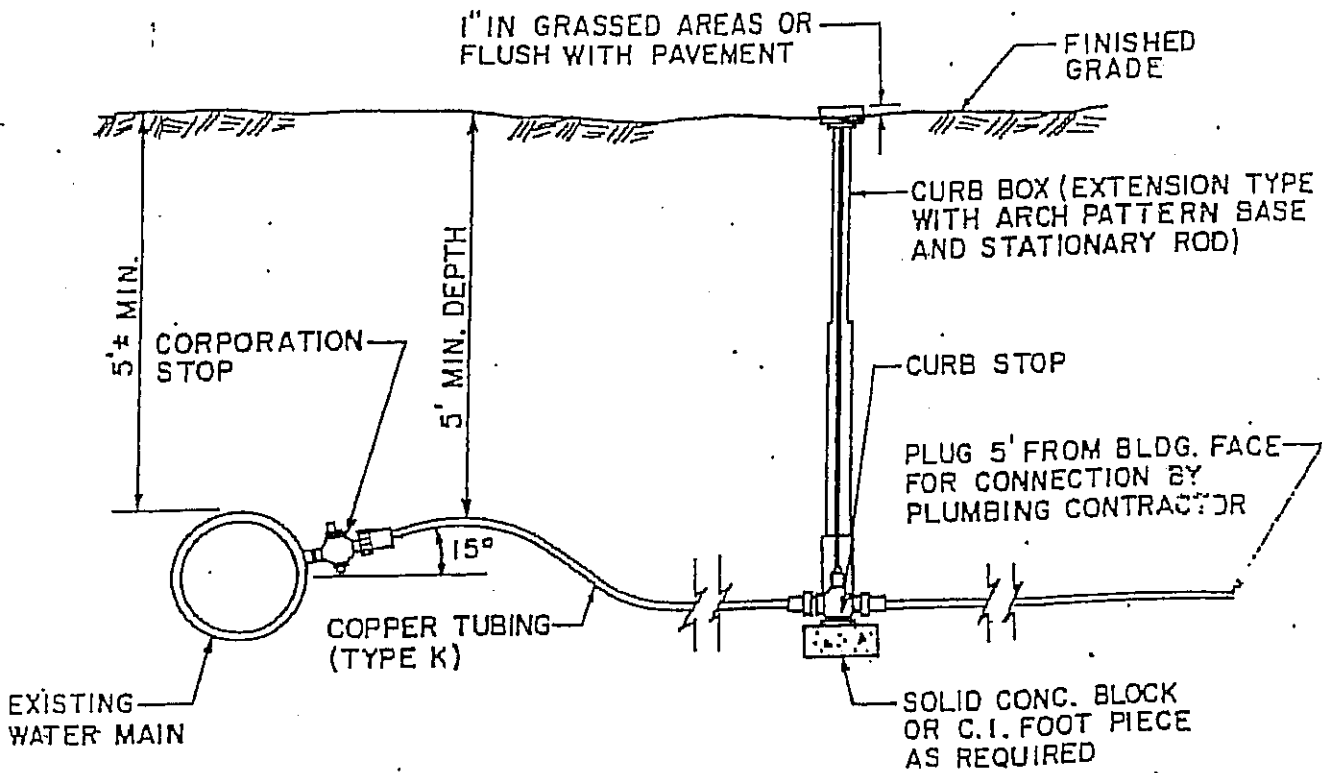


FEATURE	SYMBOL	FEATURE	SYMBOL
Paved Road		Water Elev.	W.E. 105.6
Dirt Road		Bldg. in General	
Curb		Building to be Demolished	
Cement Concrete		Cemeteries	
Asph. Concrete		County Bound.	Washington Warren
Original Ground		Municipal bound.	Village of Fort Edward Town of Fort Edward
Rock		Prop. Line	
Bridge		R.D.W. Line	
Highway Underpass		Street Name Sign	
Culvert		Fire Hydrant	
Catch Basin		Gas Line	
Ditch		Electric Line	
Stream		Telephone Line	
Lake and Pond		Water Line	
Marsh		Water Valve	
Contours		Sanitary Sewer	
Depression		Storm Drain	
Rock Outcrop		Manhole	
Spot Elevation	X 103.4	Soil Drill Hole	
Bench Mark	X BH 131 EI. 241.31 USGS	Soil Auger Hole	
Triangulation Station	Δ N 938, 122.10 NYS E 590, 690.60	Soil Probe Hole	
North Arrow True		Soil Test Pit	
North Arrow Magnetic		Percolation Test	
Single Track R.R.		<p>VILLAGE OF FORT EDWARD SUBDIVISION STANDARD DWG. 1.1</p> <p>STANDARD MAPPING AND CONSTRUCTION SYMBOLS</p>	
Multiple R.R. Track			
Abandoned Track			
Monument			



TYPICAL UTILITY LOCATIONS

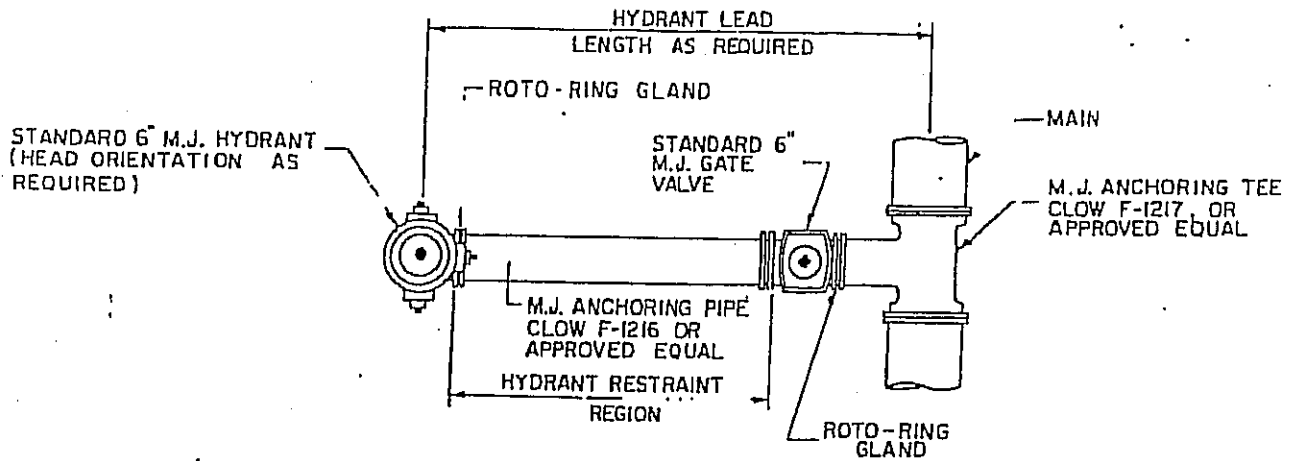
NO SCALE



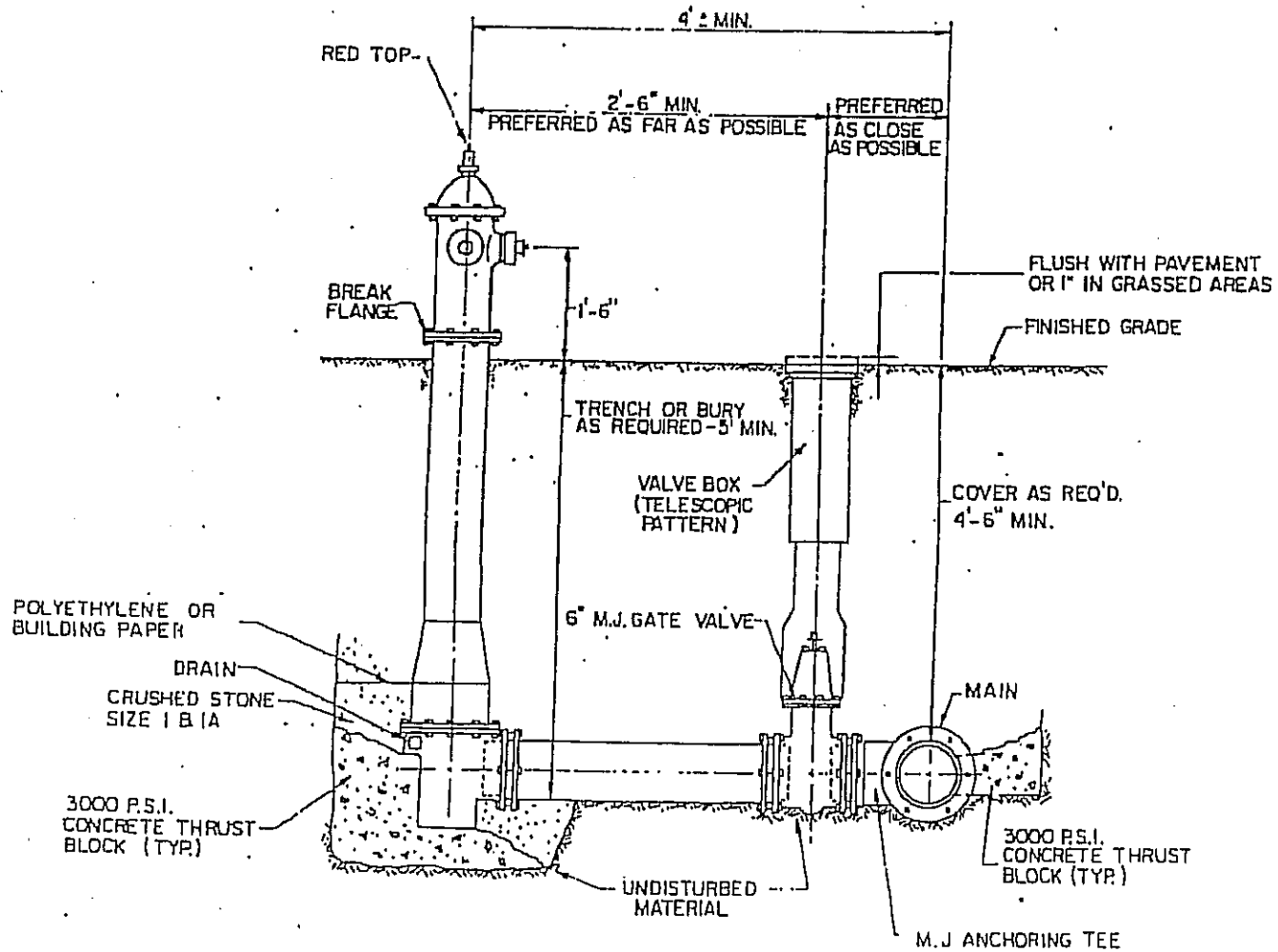
SERVICE PIPE CONNECTION DETAIL

NO SCALE

VILLAGE OF FORT EDWARD  
 SUBDIVISION SPECIFICATION  
 DRAWING 1.3



PLAN

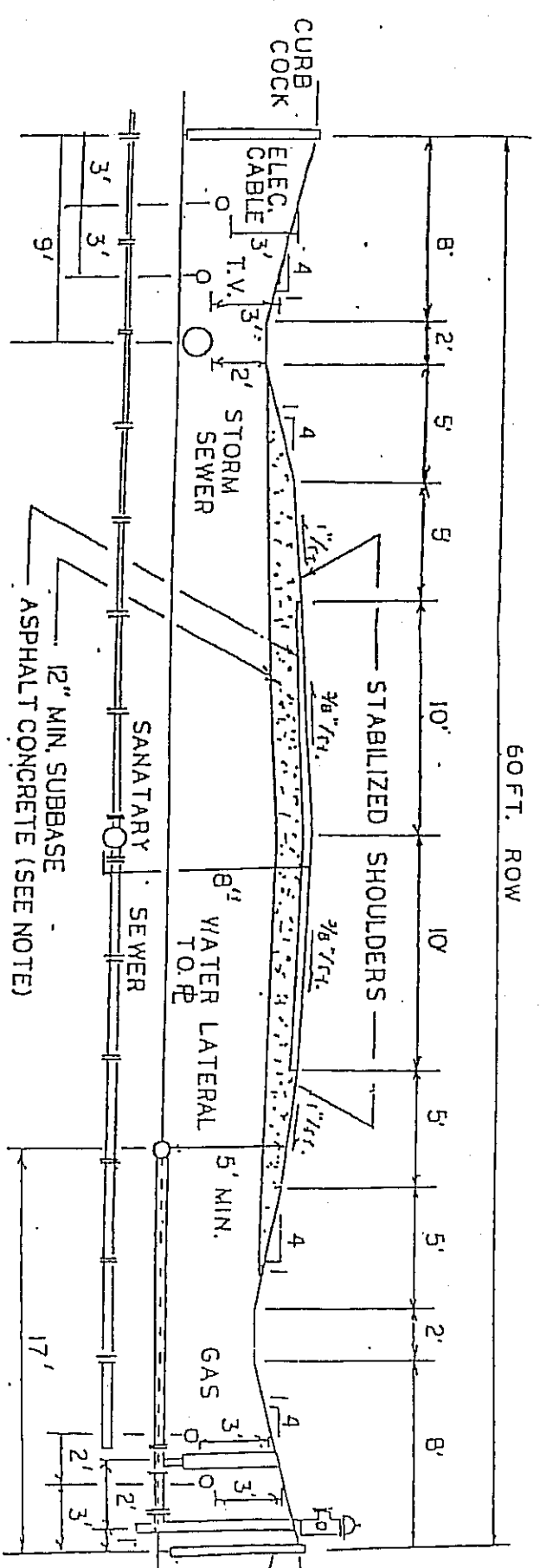


ELEVATION

HYDRANT INSTALLATION DETAIL

NTS

VILLAGE OF FORT EDWARD  
SUBDIVISION SPECIFICATION  
DRAWING 4.4



NOTE:  
 CURBS SHALL COMPLY WITH  
 N.Y.S.D.O.T. SPECIFICATIONS  
 ITEMS 609-3.01, 609-3.02 (STONE)  
 OR ITEMS 609-3.03, 609-3.04  
 (CONCRETE)

GENERAL NOTES:

1. ALL WORK WILL BE COMPLETED IN COMPLIANCE WITH THE Village of Fort Edward SUBDIVISION REGULATIONS.
2. THE THICKNESS OF ALL COURSES SHOWN ON THIS DRAWING ARE COMPACTED THICKNESS.
3. NOTIFICATION OF THE Village of Fort Edward HIGHWAY SUPERINTENDANT SHALL BE MADE 48 HOURS PRIOR TO THE PROOF ROLLING OF THE SUBBASE. ALL UNSATISFACTORY AREAS, AS DETERMINED BY THE Village ENGINEER, SHALL BE EXCAVATED AND REPLACED WITH SUBBASE MATERIAL TO THE ENGINEER'S SATISFACTION.
4. NOTIFICATION OF THE Village of Fort Edward HIGHWAY SUPERINTENDANT SHALL BE MADE 48 HOURS PRIOR TO THE COMPLETING OF PAVING.
5. A TACK COAT MUST BE APPLIED TO THE BINDER COURSE BEFORE PLACING THE TOP COURSE IF MORE THAN 48 HOURS HAVE ELAPSED AFTER PLACING THE BINDER COURSE.
6. TACK COAT COMPOSITION SHALL CONFORM TO N.Y.S.D.O.T. STANDARD SPECIFICATION, SECTION 407-2.
7. TACK COAT SHALL BE APPLIED IN ACCORDANCE WITH N.Y.S.D.O.T. SECTION 407 AT AN APPLICATION RATE OF .05 TO .10 GALLONS/SQUARE YARD.
8. THE SUBBASE MATERIAL IS TO BE SELECTED BY THE Village ENGINEER AFTER THE REVIEW OF A SOILS INFORMATION REPORT TO BE PREPARED BY THE APPLICANT'S ENGINEER WHICH INCLUDES TESTING DATA ON PROPOSED MATERIAL.
9. THE CONTRACTOR SHALL SUBMIT A SAMPLE OF THE PROPOSED SUBBASE MATERIAL TO THE Village ENGINEER FOR FINAL REVIEW. THE APPROVAL OF THE MATERIAL BY THE Village ENGINEER IS REQUIRED BEFORE THE MATERIAL CAN BE PLACED.
10. ALL TESTING FOR COMPACTION SHALL BE AS ORDERED BY THE Village ENGINEER. THE CONTRACTOR SHALL PAY FOR ALL TESTING.

NOTE:  
 1" ASPHALT CONCRETE TOP COURSE PER N.Y.S.D.O.T. SPECIFICATION TYPE 6, ITEM 403.16  
 1 1/2" ASPHALT CONCRETE BINDER COURSE PER N.Y.S.D.O.T. SPECIFICATION TYPE 3, ITEM 403  
 12" SUBBASE COURSE PER N.Y.S.D.O.T. TYPE 2, ITEM 304.03 OR TYPE 4, ITEM 304.05

SUBDIVISION STANDARDS  
 VILLAGE OF FORT EDWARD  
 TYPICAL HIGHWAY  
 CROSS SECTIONS

VILLAGE OF FORT EDWARD  
 SUBDIVISION SPECIFICATION  
 DRAWING 1.5